

Notice of Allowability

Application No.

10/760,527

Applicant(s)

WESTLEY ET AL.

Examiner

Debra Wolfe

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on March 6, 2006.
2. ☒ The allowed claim(s) is/are 1,3-7,9-13,15,17 and 18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 03062006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other


 Lowell A. Larson
 Primary Examiner



NOTICE OF ALLOWABILITY

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

1. Please insert the heading "TECHNICAL FIELD OF THE INVENTION" prior to paragraph 1 on page 1.
2. Please insert the heading "BACKGROUND OF THE INVENTION" prior to paragraph 2 on page 1.
3. Please insert the heading "SUMMARY OF THE INVENTION" prior to paragraph 2 on page 2.
4. Please insert the heading "BRIEF DESCRIPTION OF THE INVENTION" prior to paragraph 3 on page 4
5. Please inset the heading "DETAILED DESCRIPTION OF THE INVENTION" prior to paragraph 6 on page 4.

ALLOWABLE SUBJECT MATTER

The following is an examiner's statement of reasons for allowance.

1. It is the opinion of the examiner that the art of record (considered as a whole) neither anticipates nor renders obvious "a selectively operable shape defining device for changing the shape of a spot during a laser shock peening operation" and "a component wherein a laser shock



peened surface region comprises laser shocked peened spots predominantly of a first shape, at least one laser shocked peened spot at a perimeter region of the surface region having a second shape” in combination with the rest of the claimed limitations set forth in independent claims 1 and 9 and claim 15.

Further searching by the examiner yielded additional prior art as follows:

2. Dulaney et al (U.S. Patent # 5,935,464) discloses a laser shock peening apparatus with a diffractive optic element (30) wherein a laser (12) creates a laser beam (10) having a circular cross section and passes into a diffractive optic element (30). The diffractive optic element (30) changes the laser beam to a cross-sectional shape such as rectangular, hexagonal or to break up the waves to convert a single beam into several output beams.

3. However the above cited prior art fails to disclose “generating a plurality of laser shock peened spots on a workpiece where at least one of the spots has a shape different from that of the other spots”. Therefore, it is concluded that claims 1, 9 and 15 of the present invention are allowable subject matter over the prior art. Claims 1, 3-7, 9-13, 15 and 17-18 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The



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examiner can normally be reached Monday - Thursday 6am - 3:30pm with alternating Friday 6am - 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A large, stylized handwritten signature in black ink, appearing to read "Lowell A. Larson", is written over the printed name and title.

Lowell A. Larson
Primary Examiner

Debra Wolfe
Examiner
Art Unit 3725